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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appln. No. : 10/695,516
Applicant : John D. WAGSTAFF et al.
Filed : 29 October 2003
TC/A.U. : 1654
Examiner : Jennifer I. HARLE

Confirmation No.: 8073

Docket No. : 2314-271
Customer No. : 6449

TERMINAL DISCLAIMER

Director of the United States Patent
and Trademark Office
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

The owner, COGNETIX, INC., of one hundred percent (100%) interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term of **prior patent** No. 6,489,298 as the term of said prior patent is defined in 35 U.S.C. §§ 154 to 156 and 173, and as the term of said **prior patent** is presently shortened by any terminal disclaimer. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the said **prior patent** is commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §§ 154 to 156 and 173 of the **prior patent**, "as the term of said prior patent is presently shortened by any terminal disclaimer," in the event that any of said **prior patent** expires

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Terminal Disclaimer
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for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321, has all claims cancelled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer.

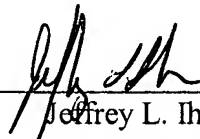
The undersigned is an attorney of record.

The terminal disclaimer fee under 37 C.F.R. 1.20(d) is included.

Respectfully submitted,

ROTHWELL, FIGG, ERNST & MANBECK, p.c.

By



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| | | | |
|--|---------|------------------------|-------------------------|
| FEE TRANSMITTAL for FY 2005 (Small Entity) | | Complete if Known | |
| | | Application Number | 10/695,516 |
| | | Filing Date | 29 October 2003 |
| | | First Named Inventor | John D. WAGSTAFF et al. |
| | | Examiner Name | Jennifer I. HARLE |
| | | Group Art Unit | 1654 |
| <input checked="" type="checkbox"/> Applicant claims small entity status | | Attorney Docket Number | 2314-271 |
| Total Amount of Payment | \$65.00 | Confirmation Number | 8073 |

METHOD OF PAYMENT (check one)

1. ☒ The Commissioner is hereby authorized to charge the fees indicated below or credit overpayment to Deposit Account Number 02-2135 in the name of Rothwell, Figg, Ernst & Manbeck
- ☒ Charge any additional fee required under 37 CFR 1.16 and 1.17 to Deposit Account No. 02-2135.
2. ☐ Payment by check enclosed

FEE CALCULATION

1. FILING, SEARCH AND EXAMINATION FEES

| Code | Fee | Fee Description | Fee Paid |
|------|-----|---------------------------|----------|
| 1001 | 150 | Utility Filing Fee | [] |
| | 395 | filed before Dec. 8, 2004 | [] |
| 1111 | 250 | Utility Search Fee | [] |
| 1311 | 100 | Utility Examination Fee | [] |
| 1002 | 100 | Design Filing Fee | [] |
| | 175 | filed before Dec. 8, 2004 | [] |
| 1112 | 50 | Design Search Fee | [] |
| 1312 | 65 | Design Examination Fee | [] |
| 1003 | 100 | Plant Filing Fee | [] |
| | 275 | filed before Dec. 8, 2004 | [] |
| 1113 | 150 | Plant Search Fee | [] |
| 1313 | 80 | Plant Examination Fee | [] |
| 1004 | 150 | Reissue Filing Fee | [] |
| | 395 | filed before Dec. 8, 2004 | [] |
| 1114 | 250 | Reissue Search Filing Fee | [] |
| 1314 | 300 | Reissue Examination Fee | [] |
| 1005 | 100 | Provisional Filing Fee | [] |

SUBTOTAL \$

2. CLAIMS

| | Extra Claims | Fee | Fee Paid |
|-------------------------------------|--------------|------------|----------|
| Total Claims [] - 20* = [] x | | \$25 = [] | |
| Independent Claims [] - 3* = [] x | | 100 = [] | |
| Multiple Dependent Claims + | | 180 = [] | |

*or number previously paid, if greater

SUBTOTAL \$

3. APPLICATION SIZE FEE

Total Sheets [] - 100 = []/50 = []** x \$125 =

** Number of each additional 50 or fraction thereof

SUBTOTAL \$

FEE CALCULATION (continued)

4. ADDITIONAL FEES

| Fee Code | Fee Paid | Fee Description | Fee Paid |
|---------------------|----------|--|----------|
| 1051 | 65 | Surcharge - late filing fee or oath | [] |
| 1052 | 50 | Surcharge - late provisional filing fee or cover sheet | [] |
| 1053 | 130 | Non-English specification | [] |
| 1812 | 2,520 | For filing a request for reexamination | [] |
| 1804 | 920 | Requesting publication of SIR prior to Examiner action | [] |
| 1805 | 1,840 | Requesting publication of SIR after Examiner action (reduced by basic filing fee paid) | [] |
| 1251 | 60 | Extension for reply within first month | [] |
| 1252 | 225 | Extension for reply within second month | [] |
| 1253 | 510 | Extension for reply within third month | [] |
| 1254 | 795 | Extension for reply within fourth month | [] |
| 1255 | 1,080 | Extension for reply within fifth month | [] |
| 1401 | 250 | Notice of Appeal | [] |
| 1402 | 250 | Filing a brief in support of an appeal | [] |
| 1403 | 500 | Request for Oral Hearing | [] |
| 1451 | 1,510 | Petition to institute a public use proceeding | [] |
| 1452 | 250 | Petition to revive -unavoidable | [] |
| 1453 | 750 | Petition to revive - unintentional | [] |
| 1807 | 50 | Processing fee under 37 CFR 1.17(q) | [] |
| 1806 | 180 | Submission of Information Disclosure Statement | [] |
| 1809 | 395 | Filing a submission after final rejection (37 CFR 1.129(a)) | [] |
| 1810 | 395 | For each additional invention to be examined (37 CFR 1.129(b)) | [] |
| 1801 | 395 | Request for Continued Examination (RCE) | [] |
| 1802 | 900 | Request for expedited examination of a design application | [] |
| 1504 | 300 | Publication fee for early, voluntary, or normal publication | [] |
| 1505 | 300 | Publication fee for republication | [] |
| 1455 | 200 | Filing application for patent term adjustment | [] |
| 1456 | 400 | Request for reinstatement of term reduced | [] |
| 1814 | 65 | Statutory Disclaimer | [] |
| Other fee (specify) | | | [\$65] |

SUBTOTAL \$65.00

| | | | |
|----------------------|-----------------------------------|--------------------------|---------------------------------|
| SUBMITTED BY | | Complete (if applicable) | |
| NAME AND REG. NUMBER | Jeffrey L. Ihnen, Reg. No. 28,957 | | |
| SIGNATURE | DATE | 13 March 2007 | DEPOSIT ACCOUNT USER ID 02-2135 |